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S. Douglas

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Flynn  
SH(072)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant: Jack Beery  
Serial No.: 08/116,019  
Filed: September 2, 1993  
Title: TELEVISION RECEIVER HAVING MEMORY CONTROL FOR  
TUNE-BY-LABEL FEATURE  
Examiner: N. Flynn  
Art Unit: 2602  
Reissue of: U.S. Patent No. 5,045,947  
Issued: September 3, 1991  
Docket No.: JB-2.3

Assistant Commissioner for Patents  
Washington, DC 20231

FIFTH SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. 1.56 AND 1.97

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Sir:

Pursuant to the duty of disclosure, good faith and candor required of patent applicants and their representatives in application proceedings before the Patent and Trademark Office under 37 C.F.R. 1.56, the following references are submitted for the consideration of the Examiner. However, this submission should not be construed as a representation that no better art exists.

References

U.S. Patent No. 3,976,995	Sebestyen
U.S. Patent No. 4,626,848	Ehlers
U.S. Patent No. 4,885,579	Sandbank
U.S. Patent No. 4,912,463	Li
U.S. Patent No. 4,914,428	Kobayashi
U.S. Patent No. 4,999,622	Amano
U.K. Pat. Appln. 2 104 277 A	240 EK 08/27/96 08116019 Nippon Victor KK
U.K. Pat. Appln. 2 126 002 A	1 126 220.00 EK Breese

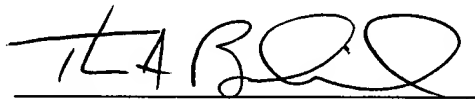
Ser. No. 08/116,019  
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Form PTO-1449 is attached hereto, and copies of the cited references are submitted herewith.

The Examiner is also hereby informed that the litigation concerning related U.S. Patent No. 5,068,734, *Beery v. Hitachi Home Electronics (America), Inc. et al.*, Case No. 93 4868 DT (Ex) has now been completed. As the Examiner was advised in Applicant's amendment dated April 4, 1996, a second request was filed for reconsideration by the Court of Appeals for the Federal Circuit of its affirmance of the district court's grant of summary judgement of non-infringement. This request was refused without consideration on the merits. Additionally, the period for petition for writ of certiorari to the United States Supreme Court has expired. Accordingly, removal of the special litigation status from this application is requested.

A check in payment of the fee set forth in 37 CFR 1.17(p) in the amount of \$220.00 is enclosed.

Respectfully submitted,



Thomas A. Boshinski  
Reg. No. 30,611

210 Dapplegate Way  
Alpharetta, GA 30202  
404-897-4421

August 16, 1996